

### **REMARKS**

Claims 18, 20-21, and 23-34 are pending in the present application. Claims 19 and 22 have been cancelled and claims 18 and 34 have been amended. The drawings have been amended. Support for the amendments can be found throughout the entire original disclosure and the original drawings and is further discussed below. For example, the subject matter of canceled claim 19 has been added to independent claims 18 and 34. No new matter has been added and entry of the amendments is respectfully requested.

#### **Claim Objections**

Claim 19 is objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully traverses this objection because the limitations of claim 19 are not verbatim to those required already in claim 18 as alleged by the Examiner. Claim 18 requires that at least one weft binder yarn member of at least one binder pair interlaces in an unlocked position with at least one warp yarn. Therefore, one or more binder pairs can interlace in an unlocked position. However, claim 19 further requires that at least one weft binder yarn member of each binder pair interlaces with machine side warp yarns in an unlocked position. Thus, claim 19 further requires that if there are two or more binder pairs, then the two or more binder pairs, that is, all of the binder pairs interlace with machine side warp yarns in an unlocked position.

Nevertheless, Applicant has canceled claim 19 and incorporated the limitation of

claim 19 into independent claims 18 and 34 to overcome the claim objection. Thus, withdrawal of this claim objection is respectfully requested.

#### Objection to Drawings

The Examiner objected to the drawings under 37 CFR 1.83(a) for not showing a limitation of claim 22 regarding “weft floats.” In response to this objection, Applicant has canceled claim 22 requiring the limitation of “weft floats.”

Additionally, Applicant has herein amended the drawings to correct minor errors in figures 1 and 2 that the bottom weft yarns B3 and B8 must interlace with warp yarns #10 and #20 and not with warp yarns #6 and #16. Support for these amendments can be found in paragraph [0034] of the present disclosure.

Therefore, withdrawal of this objection is respectfully requested.

#### Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 18, 19, 22-28, 31, 32 and 34 under 35 U.S.C. § 102(b) as being anticipated by Ward, USPN 6,145,550 (hereinafter as “Ward”).

The Examiner asserted that Ward discloses the limitations of claim 18 of “wherein at least one weft binder yarn member of a least binder pair interlaces in an unlocked position with at least one warp yarn of the machine side of the fabric,” and stated further that:

- 1) “The ‘unlocked’ limitation is disclosed by the Ward embodiment in figure 3b”;
- 2) “Binder pair 182 interlaces warp 144 of the machine side layer”; and
- 3) “Weft 162 does not interlace warp 143 and therefore does not ‘lock’ the binder member 182, as defined by applicant’s special definition of the term ‘locked’ or ‘unlocked’ position.”

Applicant disclosed that “[A]n unlocked binder position under a warp yarn of the machine side or so called ‘wearside’ fabric is one that is not enclosed on all sides by the Interlacing of wearside fabric warp and weft yarns” (see paragraph [0009] of the present disclosure). Claim 19 requires “**at least one weft binder** yarn member of **each binder pair** interlaces with machine side warp yarns in an unlocked position” (emphasis added). (The subject matter of claim 19 has been added to independent claims 18 and 34 as discussed above.) Thus, if there are two or more binder pairs, then at least one weft binder yarn of the two or more binder pairs interlaces with machine side warp yarns in an unlocked position.

However, Fig. 1 which relates to EP 1,000,197 A and EP 1,158,090 A, which are members of the patent family of Ward, shows a series of warp cross-sectional diagrams showing the consecutive weft paths of a fabric. In this figure, all interchanging weft yarns (e.g., binder yarns I1 and I2; pair 40; etc.) are in "locked" positions, i.e., being locked by wear side wefts (e.g., wefts B1 at #2 and #12 and B2 at #6 and #16; etc.).

Applicant now turns the Examiner’s attention to Figure 3B of Ward which the

Examiner referred to in the Office Action.

At first glance, regarding Figure 3B of Ward, one might think that this figure is relevant to the present claimed invention. However, a detailed study of Figure 3B shows that Ward does not disclose the claimed invention. Applicant encloses herein a marked-up copy of Figure 3B (labeled as “Attachment – Marked-up Figure 3B of Ward”) in order to show that Ward does not disclose the claimed invention. As can be seen in this marked-up copy, **not all weft binders of all binder pairs** are in an "unlocked" position in the weft pattern shown in Ward's Figure 3B. The illustrated weft binders of the binder pairs are either "**unlocked**" (**182a/182b**; 184a/184b; 186a/186b; 188a/188b; 190a/190b; 192a/192b (bottom pairs, not labeled as such in the figure but Applicant has identified them as such for convenience)) OR "**locked**" (181a/181b; 183a/183b; 185a/185b; 187a/187b; 189a/189b; 191a/191b). Therefore, Ward does not teach the limitation of "**each binder pair**" (i.e., all binder pairs).

Additionally, Ward does not teach the limitation of "**at least one weft binder**." The weft binders of the cited binder pair **182a/182b** are both in an "**unlocked**" position as correctly stated by the Examiner. See the warp cross-sectional diagram enclosure in the Attachment that is drawn for the Examiner's convenience. But, for example, the weft binders of the binder pair **183a/183b** are both in a "**locked**" position. As a result, there is no mixture of "unlocked" and "locked" weft binders of binder pairs disclosed in Ward.

However, amended claim 18 requires, for example, each binder pair having two weft binders in which **at least one** (not both) weft binder is in an “unlocked” position and, thus, one binder pair can be mixed with one “unlocked” weft binder and the other “locked” weft binder.

Therefore, Ward does not teach the limitation of claim 19 requiring **at least one weft binder yarn member** of **each (all) binder pair** interlaces with machine side warp yarns in an unlocked position.

For the foregoing reasons, independent claims 18 and 34 and their dependent claims should be allowed. Thus, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 20, 21, 29, 30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Ward.

Regarding claims 20 and 21, the Examiner stated that Ward does not disclose “all weft binding pairs unlocked” and “at least 25% unlocked” which are the limitations of claims 20 and 21. These claims relate to a paper machine fabric wherein all of the binding weft yarns or at least 25 % of the binding weft yarns do not lock the weft yarns of the machine side weft yarns.

The Examiner referred to a paragraph from column 6, line 60 to column 7, line 6 of

Ward and stated that “Those skilled in this art will appreciate that the afore-described ‘reverse picks’ configuration is created in the fabric by weaving the stitching yarns into the top and bottom MD yarns so that first an ‘a’ stitching yarn immediately follows the weaving of top and bottom CMD yarns (followed by a ‘b’ stitching yarn), then a ‘b’ stitching yarn immediately follows the next set of top and bottom CMD yarns (followed by an ‘a’ stitching yarn). This pattern can be repeated throughout weaving. Although it is preferred that all of the stitching yarn pairs follow this pattern (i.e., that 50 percent of the stitching yarn pairs be ‘reversed’), some benefit can be obtained by reversion only a smaller percentage (for example 25, 33, or 40 percent) of the stitching yarn pairs (emphasis original).”

It appears that the Examiner erred in interpreting the meaning of “reversed picks.” The specification of the present invention clearly describes in paragraph [0009] an unlocked binder position under a warp yarn of the machine side or so called “wearside” fabric is one that is not enclosed on all sides by the interlacing of wearside fabric warp and weft yarns. It appears that the Examiner erred in equating the “unlocked position” to “reverse picks.” In the cited prior art, the meaning of reverse picks is defined in column 6, lines 20-38 in which the stitching yarns are interwoven with the top and bottom MD yarns as “reversed picks.” From this disclosure, the configuration of stitching yarns being positioned as reversed picks is not relevant to the limitations regarding the configuration of the binding weft yarns and the weft yarns of the machine side fabric.

Regarding claims 29, 30 and 33, the Examiner admitted that Ward does not specifically disclose “three weft yarns between each binder pair,” “non-binder wefts having different sizes” and “having more weft binder pairs than non-binding wefts,” but alleged that these limitations are obvious to an ordinary person skilled in the art.

However, claims 29, 30 and 33 relate to certain arrangements of non-interchanging (non-binding) paper side weft yarns (top CMD yarns) compared to interchanging (binding) weft yarns (stitching yarns), while the cited portions of Ward only disclose some arrangements of stitching yarns compared to the MD yarns of top and bottom layers. Thus, the cited prior art does not teach, suggest or disclose anything pertaining to the arrangement of the paper side weft yarns as claimed in claims 29, 30 and 33.

More specifically, claim 29 relates to a paper side layer wherein weft yarns are distributed in equal sized groups of at least three weft yarns and each group is separated by a pair of binding weft yarns. This limitation is not disclosed in the cited prior art including the cited portions in the Office Action which are not relevant to this arrangement.

Claim 30 relates to a paper side layer wherein weft yarns are distributed in groups of at least two different sizes, which means that the size of weft yarns are different in each group, and each group is separated by a pair of binding weft yarns. This limitation is not disclosed in the cited prior art including the cited portions in the Office Action which are not relevant to this arrangement.

Claim 33 relates to a paper machine fabric “having more weft binder pairs than non-binding wefts.” The cited portions of Ward are not relevant to this limitation. There is no indication or implication from the cited portions in the Office Action or anywhere in the disclosure that Ward teaches, suggests or mentions anything regarding the paper machine fabric having more binding weft yarns than non-binding weft yarns.

However, Applicant notes that the Examiner’s rejection of these claims is a “catch all” rejection for obviousness, in which he stated “The citations above clearly address the obvious variable nature to the weave design, yarn location, selection and arrangement of a papermaking fabric depending on the desired properties of the final fabric.” Applicant respectfully submits that this is an improper rationale or standard, as nothing would be considered patentable.

Additionally, the prior art does not teach every feature of the claimed limitations as discussed above. As these claims are dependent on independent claims 18 and 34, which are patentable over Ward, they should be allowable for at least the same reasons as discussed above. Therefore, withdrawal of this rejection is respectfully requested.

### Conclusion

In view of the foregoing, it is submitted that all pending claims are allowable. Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be

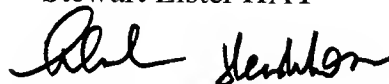


appropriate.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,  
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